

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

FREDERICK DELANO and
FRANCES DELANO,

Plaintiffs,

VS.

ABBOTT LABORATORIES,

Defendant.

Case No. 2:11-cv-02475-SHM-cgc

SUPPLEMENTAL CERTIFICATE OF CONSULTATION

On October 26, 2011, Abbott Laboratories ("Abbott") filed an Unopposed Motion for Leave to Exceed Page Limit ("Motion to Exceed") (Doc. 30) with respect to its Reply in Support of its Motion for Summary Judgment. The Certificate of Consultation attached to the Motion to Exceed states that Plaintiffs' counsel did not object to the relief requested. In consulting with Plaintiffs' counsel in advance of filing the Motion to Exceed, counsel for Abbott represented that the Reply brief would exceed the page limit by five (5) pages. Counsel for Abbott and counsel for Plaintiffs did not specifically discuss whether that request included Abbott's response to Plaintiffs Statement of Undisputed Facts. Taken together, the Reply brief and the response to Plaintiffs Statement of Undisputed facts exceed the page limit by more than five (5) pages. It is still believed that Abbott's Motion to Exceed is unopposed, but, out of an abundance of caution, counsel for Abbott has emailed counsel to clarify the issue. Counsel for Plaintiffs is not expected to respond to that email, however, before the deadline to file Abbott's Reply in Support of its Motion for Summary Judgment. Upon receiving a response from Plaintiffs' counsel regarding the request for clarification, counsel will advise the Court accordingly.

/s/ Nolan M. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically this
26th day of October, 2011, and will, therefore, be served electronically upon:

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and that copies were served this same date by electronic mail upon the following:

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/s/ Nolan M. Johnson

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